

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

GREGORY JOHN CORCORAN, JR.,

Plaintiff,

v.

JAMIE TAYLOR,

Defendant.

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CIVIL ACTION NO. 4:19-CV-00450-RWS-CAN

ORDER

Petitioner, Gregory John Corcoran, Jr., proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Docket No. 1. The Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The Magistrate Judge issued a Report and Recommendation, recommending the lawsuit be dismissed for failure to prosecute. Docket No. 13.

Plaintiff's last known address was the Collin County Detention Facility in McKinney, Texas. Petitioner confirmed receipt of several documents sent to this address. Docket Nos. 6, 10, 11. However, the Report and Recommendation (Docket No. 13) mailed to Petitioner at the Collin County Detention Facility was returned, noting Plaintiff no longer resided there. Docket No. 15.

In filing the complaint, Plaintiff declared, "I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit." Docket No. 1 at 4. The Court has no duty to locate litigants, particularly where a litigant has been advised of his responsibility to keep a current

address with the Court. *See Jones v. Heart*, No. 3:13-CV-856-HTW-LRA, 2014 WL 1665006 (S.D. Miss. Apr. 23, 2014).

Because no objections to the Magistrate Judge's Report have been filed, Plaintiff is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).


Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

ORDERED that the Magistrate Judge’s Report (Docket No. 13) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is finally

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 14th day of January, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE